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APPLICATION NO	PPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/915,609 07/26/2001		Emek Sadot	501022-A-01-US (Sadot)	6788			
47701	7590	08/24/2006		EXAMINER			
•	MASON &	LEWIS, LLP	SHIN, KYUNG H				
	<del>-</del>	NY 11560	ART UNIT	PAPER NUMBER			
				2143			
				DATE MAILED: 08/24/2006	DATE MAILED: 08/24/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/915,609	SADOT, EMEK ET AL	
Examiner	Art Unit	
Kyung H. Shin	2143	

	Kyung H. Snin		2143	
The MAILING DATE of this communication appe	ars on the cover sheet	with the c	orrespondence add	ress
THE REPLY FILED 20 July 2006 FAILS TO PLACE THIS APPI	LICATION IN CONDITIO	N FOR AL	LOWANCE.	
1.  The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amen tice of Appeal (with appe	idment, aff eal fee) in (	fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
a) The period for reply expires 3 months from the mailing date	of the final rejection.			
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or to be statuted in the statut	Advisory Action, or (2) the dater than SIX MONTHS from (b). ONLY CHECK BOX (b)	n the mailin	g date of the final rejecti	on.
TWO MONTHS OF THE FINAL REJECTION. See MPEP 79 Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extender 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	on which the petition under tension and the correspondi shortened statutory period for than three months after the	ing amount or reply orig	of the fee. The approprinally set in the final Offi	iate extension fee ce action; or (2) as
<ol> <li>The Notice of Appeal was filed on <u>20 July 2006</u>. A brief in date of filing the Notice of Appeal (37 CFR 41.37(a)), or a appeal. Since a Notice of Appeal has been filed, any replacements.</li> </ol>	ny extension thereof (37	CFR 41.3	7(e)), to avoid dismis	sal of the
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of fill	ing a brief	, will not be entered b	ecause
(a) They raise new issues that would require further co				
(b) They raise the issue of new matter (see NOTE belo	w);			
<ul><li>(c) They are not deemed to place the application in being appeal; and/or</li></ul>	tter form for appeal by ma	aterially re	ducing or simplifying	the issues for
(d) They present additional claims without canceling a NOTE:		f finally rej	ected claims.	
4. The amendments are not in compliance with 37 CFR 1.1	21. See attached Notice	of Non-Co	mpliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s)	:·			
<ol> <li>Newly proposed or amended claim(s) would be all non-allowable claim(s).</li> </ol>		separate,	timely filed amendme	ent canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:			II be entered and an e	explanation of
Claim(s) allowed:				
Claim(s) objected to:				•
Claim(s) rejected: <u>1-22</u> . Claim(s) withdrawn from consideration:				
AFFIDAVIT OR OTHER EVIDENCE				
The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).	nt before or on the date or d sufficient reasons why	f filing a N the affidav	otice of Appeal will <u>no</u> vit or other evidence is	ot be entered s necessary and
The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections u y and was not earlier pre	nder appe sented. S	al and/or appellant fa see 37 CFR 41.33(d)(	ils to provide a 1).
<ol> <li>The affidavit or other evidence is entered. An explanation</li> </ol>	n of the status of the clai	ims after e	ntry is below or attacl	ned.
REQUEST FOR RECONSIDERATION/OTHER				
<ol> <li>The request for reconsideration has been considered bu See Continuation Sheet.</li> </ol>				nce because:
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08 or PTO-144	9) Paper N	No(s)	
13.  Other:				
			LAVAVID WILEY	
			M	wine <b>r</b>
	,	SUPER TEC	HNG CALLAND	109

Continuation of 11. does NOT place the application in condition for allowance because: Response to Remarks

1.1 Applicant argues that the referenced prior art teaches directly away from the claim invention. (see Remarks Page 3, Line 8)
Furthermore, a referenced prior art does not teach away such that "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed.." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). There is no disclosure within the Brendel prior art that criticizes, discredits, or otherwise discourages, in any way shape or form, the storage of session identifiers

within a storage table as stated by the Applicant. Brendel does not teach away from the applicant's invention.

There is no citation within the Office Action dated April 18, 2006 that refers to column 15, lines 22-23 within the Brendel prior art or relied upon by the Examiner. (see Remarks Page 4, Lines 14-15) The Applicant stresses this citation as a teaching away disclosure. The Brendel prior art recites several methods for server selection. (see Brendel col. 10, lines 6-9; col. 9, lines 53-56: server selection methods) To emphasize, the Brendel prior art does not criticize, discredit, or discourage, in any way shape or form, the usage of a session information storage table.

1.2 Applicant argues that the referenced prior art does not disclose " ... each of the server being operative to assign a session ID values from its associated one of the pre-assigned groups to sessions handled by that server. (see Remarks page 4, Lines 8-10)

The referenced prior art discloses the applicant invention as disclosed. The Brendel-Choquier-Gongwer combination discloses the claimed limitations argued by the Applicant. Brendel discloses a load balancing system to enable the selection of a server system based a load balancing algorithm. (see Brendel col. 5, lines 61-67: determine designated server from multiple server for client-server message processing)

The Brendel-Choquier combination discloses the selection of a session identifier value. (see Choquier col. 15, lines 28-41: load management system utilizing a range of values assigned to each entity (i.e. server, processor) and utilized in the generation of a calculated ID value (i.e. session ID or session information))

And, the Brendel-Choquier-Gongwer combination discloses the capability for the selection of a session identifier from a pool of identifiers. (see Gongwer col. 2, lines 2-5; col. 9, lines 52-54; col. 12, lines 54-57; col. 12, lines 62-65: session identifier selected from pool

of unassigned session identifiers)

1.3 Additionally, the Applicant is reminded that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

1.4 In conclusion, the examiner has considered the applicant's remarks concerning a load balancing system with session identification information (i.e. identifier) selected from a pool of identifiers.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Brendel (6,772,333), Choquier (5,774,668), Baker (6,611,498) and Gongwer (6,138,120) discloses the applicant's invention including disclosures in the Remarks dated July 20, 2006.

09/915.609

KHS

8/10/2006